

the poll, just what record are we presenting to the electorate to vote on?

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: When Delegate Jett makes the same speech that he made here before a bar association, I will second the speech and vote for it; but the bar association or group of lawyers may speak. I think the legislature might provide for some way in which that record can be told. Lawyers have not had any difficulty in the past in speaking out and expressing their views about judges who were running for reelection. My point is simply that I do not believe that rising to the status of constitutional dignity, and that it ought to be given that status when it is presented to the people.

THE CHAIRMAN: Delegate Rybczynski, do you have a further question?

DELEGATE RYBCZYNSKI: Yes. Are we to take from your comment that you are saying that as opposed to a secret ballot, where lawyers would not be identified individually, you are suggesting that lawyers sign their names to advertisements or some such as that in the newspapers? Is that what you are telling us?

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: No, I am not telling you that at all. I think there may be several methods by which the lawyers may make known their views about the competence of a judge. If it was to be a ballot of all those at the bar, I personally would speak for a secret ballot.

THE CHAIRMAN: Delegate Boileau.

DELEGATE BOILEAU: Mr. Chairman, I would like to speak in favor of the proposed amendment.

THE CHAIRMAN: You may proceed.

DELEGATE BOILEAU: Delegate Adkins earlier hit the nail exactly on the head when he noted that we were talking here about an experiment that may or may not work. When we are talking about experiments that may or may not work, we do not enshrine them in our Constitution. We provide for a certain degree of flexibility. There are two obvious ways that this can be done in terms of actual practical action.

One would be for the Bar Association to provide for rules that would call for the polling of attorneys. The second way would be for the General Assembly, through their normal action, to provide for a statute, for

a law that would also provide for appropriate rules of action in this case.

I think that in a situation where we are talking about an experiment, we need flexibility, and a vote for this motion will provide for the potential for it.

THE CHAIRMAN: Does any delegate desire to speak in opposition? Delegate Schneider.

DELEGATE SCHNEIDER: Mr. Chairman, as Delegate Boileau has pointed out, we are speaking to experimentation; but also in the other articles we have had before this Convention, we have spoken of experimentation, and we have not been afraid to put it in the Constitution. If we decide that the 18-year old should vote, we are going to put it in the constitution. We are not going to be afraid to. If we decide that the attorney general and comptroller should be appointed, not elected, we are going to put it in the constitution. We are not going to put it in the statute to see how it works.

I submit that the way it is done now by the Bar Association, coming out with a few men in a meeting and saying, printing in the newspaper, that we support the city judges, and this influencing the electorate, is not the best way. Since they do not have live opposition, to point out any faults of the judges, I think the way to do it is to make sure that the list that comes out and is made known to the people, contains the views of all the lawyers, not just the bar association.

I think the only way to guarantee that, the only to make a meaningful noncompetitive election is to defeat this amendment just as we defeated it before and hope it is not reconsidered again.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment? Delegate Carson.

DELEGATE CARSON: I will be very brief.

I think it is obvious today that the practice of law is not entirely a practice in a court of law, but many, perhaps most practitioners, practice in offices and seldom if ever get to court. I have offices both in Baltimore City and Harford County. In Baltimore City I would guess that less than 10 per cent of the attorneys frequently get to court there. In Harford County I would say approximately 50 per cent do and 50 per cent do not. I do not think that it is a valid criteria in Balti-